

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

KAREN HOTTENROTT, *et al.*,

Plaintiffs,

v

IRON COUNTY, *et al.*,

Defendants.

No. 2:23-cv-00117-PLM-PJG

HON. PAUL L. MALONEY

MAG. SALLY J. BERENS

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**MICHIGAN DEPARTMENT OF ATTORNEY GENERAL'S  
MOTION TO INTERVENE UNDER FEDERAL RULE  
OF CIVIL PROCEDURE 24(a)(1)**

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Dated: August 6, 2024

The Michigan Department of Attorney General (Department) moves to intervene in this matter pursuant to Federal Rule of Civil Procedure 24(a) and 28 U.S.C. § 2403, and states as follows:

1. The State of Michigan is not a party in this matter.
2. Rule 24(a) provides that a court must permit intervention by anyone who has been given an unconditional right to intervene by a federal statute.
3. Pursuant to 28 U.S.C. § 2403, federal courts “shall permit” a State to intervene in any suit “wherein the constitutionality of any statute of that State affecting the public interest is drawn in question.”
4. On June 10, 2024, Plaintiffs’ counsel sent the Department notice that Plaintiffs are challenging the constitutionality of a Michigan statute, Mich. Comp. Laws § 211.78 *et seq.*—specifically the provisions of Public Act 256 of 2020—that governs the collection of delinquent property taxes or, if the same remain unpaid, the *in rem* tax forfeiture and foreclosure process and the post-tax-foreclosure process to claim any remaining sale proceeds under Michigan property and property tax laws. (Ex. 1, Pls.’ Rule 5 Notice.)

5. This motion is timely because it is filed within 60 days of Plaintiffs' notice as required by Rule 5.1.

6. Counsel for the Department sought concurrence from the various attorneys appearing in this matter on July 30, 2024. The Department received concurrence from Attorneys Charles A. Lawler and Allan C. Vander Laan, and Attorney Donald Visser indicated he does not oppose.

7. In accordance with Rule 24(c), this motion is accompanied by a brief in support stating the claim or defense for which intervention is sought.

## RELIEF REQUESTED

For these reasons, and the reasons stated more fully in the accompanying brief, the Michigan Department of Attorney General respectfully requests that this Court conditionally grant this motion for the purposes of defending State law and allow intervention should this Court decided to address the constitutionality of the State's law, and specifically those provisions as identified in Plaintiffs' notice. If such intervention is granted, the Michigan Department of Attorney General also asks the Court to set a date by which a responsive pleading must be filed.

Respectfully submitted,

/s/ Brian K. McLaughlin

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